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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/637,120	08/11/2000	Eric Edwards	080398.P366	7324

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EXAMINER

KE, PENG *

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/637,120

Applicant(s)

EDWARDS ET AL.

Examiner

Peng Ke

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 36 and 37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-35, and 38-41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-35 and 38-41, drawn to video segment editing or sequencing, classified in class 345, subclass 723.
- II. Claims 36-37, drawn to operator interface, classified in class 345, subclass 700.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a method of displaying and editing a plurality of presentation images; invention II has separate utilities such as a method of determining an amount of compensation based upon use of the imaging service. (See MPEP § 806.05(d)).

A telephone call was made to Sheryl Sue Holloway on 1/4/03, 2:00 pm est to request an oral election to the above restriction requirement. She has elected group I without traverse.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search for each group is different, restriction for examination purpose as indicated is proper.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

vc

Claims 1-5, 7-13, 15-18, 20- 27, 29-35, and 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Foreman et al. (US 6,469, 711).

As per independent claim 1, Foreman et al. teaches a computerized method for displaying images comprising:

accessing a plurality of presentation images (col 2, lines 14-30);

arranging the presentation images according to at least one characteristic (col 2, lines 50-64); and

combining the presentation images in a visual presentation (col 2, lines 5-10).

As per claim 2, which is dependent on claim 1, Foreman et al. teaches the computerized method of claim 1 further comprising: selecting the characteristic from the group consisting of distance, perspective, magnification, and angle (col 7, lines 24-26). The examiner is inferring to the fact the sequence of shots that are selected is captured in the perspective of the recorder.

As per claim 3, which is dependent on claim 1, Foreman et al. teaches the computerized method of claim 1 further comprising: modifying at least one of the presentation images (col 12, lines 45-67).

As per claim 4, which is dependent on claim 1, Foreman et al. teaches the computerized method of claim 1 further comprising: accessing an address for a location (col 6, lines 18-53). It is inherent for the system to access the memory address where the video clips are stored.

As per claim 5, which is dependent on claim 1, Foreman et al. teaches the computerized method of claim 1 further comprising: accessing location coordinates for a location (col 6, lines 18-53).

As per claim 7, which is dependent on claim 1, Foreman et al. teaches the computerized method of claim 1 further comprising: accessing viewing preferences, wherein the viewing preferences are selected by a computer user and affect the appearance of the visual presentation (col 11, lines 63-67, col 12, lines 1-6).

As per claim 8, which is dependent on claim 1, Foreman et al. teaches the computerized method of claim 1 wherein accessing a plurality of presentation images comprises:

uploading a plurality of presentation images from a client (col 6, lines 17- 54, col 8, lines 1-15, lines 35-47). It is inherent for a client to bring in a removable disk.

As per claim 9, which is dependent on claim 1, Foreman et al. teaches the computerized method of claim 1 wherein accessing a plurality of presentation images comprises:

loading a plurality of presentation images from a database (col 6, lines 17-54).

As per claim 10, which is dependent on claim 1, Foreman et al. teaches the computerized method of claim 1 wherein accessing a plurality of 2 presentation images comprises: uploading at least one presentation image from a client (col 6, lines 17-54); and loading at least one presentation image from a database (col 12, lines 27-38). It is inherent that the effects are a part of the original database.

As per claim 11, which is dependent on claim 1, Foreman et al. teaches the computerized method of claim 1 wherein accessing a plurality of presentation images comprises: loading at least one presentation image from a computer-readable medium (col 6, lines 17-54).

As per claim 12, which is dependent on claim 1, Foreman et al. teaches the computerized method of claim 1 further comprising:

 sending the visual presentation to a client (col 7, lines 30-35). It is inherent for the client to receive his/her product back in a form of a CD-ROM or through a computer network.

As per claim 13, which is dependent on claim 1, Foreman et al. teaches the computerized method of claim 1 further comprising:

 saving the visual presentation on a computer-readable medium (col 7, lines 30-35).

As per independent claim 14, Foreman et al. teaches a computerized system comprising:

 a processing unit (col 5, lines 46-67);

 a memory coupled to the processing unit through a system bus (col 6, lines 17-54);

 a computer-readable medium coupled to the processing unit through the system bus (col 6, lines 17-54); and

 a program executed from the computer-readable medium by the processing unit, wherein the program causes the processing unit to access a plurality of presentation images, arrange the presentation images according to at least one characteristic, and combine the presentation images in a visual presentation (col 2, lines 14-30, lines 50-64, col 2, lines 5-10).

As per claim 15, which is dependent on claim 14, it is of the same scope as claim 2. (see rejection above).

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As per claim 16, which is dependent on claim 14, it is of the same scope as claim 3. (see rejection above).

As per claim 17, which is dependent on claim 14, it is of the same scope as claim 4. (see rejection above).

As per claim 18, which is dependent on claim 14, it is of the same scope as claim 5. (see rejection above).

As per claim 20, which is dependent on claim 14, it is of the same scope as claim 7. (see rejection above).

As per claim 21, which is dependent on claim 14, it is of the same scope as claim 12. (see rejection above).

As per claim 22, which is dependent on claim 14, it is of the same scope as claim 13. (see rejection above).

As per independent claim 23, Foreman et al. teaches a first computer-readable medium having computer-executable instructions for creating a visual presentation comprising:

accessing a plurality of presentation images (col 2, lines 14-30);

arranging the presentation images according to at least one characteristic (col 2, lines 50-64); and

combining the presentation images in a visual presentation (col 2, lines 5-10).

As per claim 24, which is dependent on claim 23, it is of the same scope as claim 2. (see rejection above)

As per claim 25, which is dependent on claim 23, it is of the same scope as claim 3. (see rejection above)

As per claim 26, which is dependent on claim 23, it is of the same scope as claim 4. (see rejection above)

As per claim 27, which is dependent on claim 23, it is of the same scope as claim 5. (see rejection above).

As per claim 29, which is dependent on claim 23, it is of the same scope as claim 7. (see rejection above).

As per claim 30, which is dependent on claim 23, it is of the same scope as claim 8. (see rejection above).

As per claim 31, which is dependent on claim 23, it is of the same scope as claim 9. (see rejection above).

As per claim 32, which is dependent on claim 23, it is of the same scope as claim 10. (see rejection above).

As per claim 33, which is dependent on claim 23, it is of the same scope as claim 11. (see rejection above).

As per claim 34, which is dependent on claim 23, it is of the same scope as claim 12. (see rejection above).

As per claim 35, which is dependent on claim 23, it is of the same scope as claim 13. (see rejection above).

As per claim 38. Foreman et al. teaches a computerized system comprising:
means for accessing a plurality of presentation images (col 2, lines 14-30);
means for arranging the presentation images according to at least one characteristic (col 2, lines 50- 64); and

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means for combining the presentation images in a visual presentation (col 2, lines 5-10).

As per claim 39, which is dependent on claim 38, it is of the same scope as claim 2. (see rejection above).

As per claim 40, which is dependent on claim 38, it is of the same scope as claim 3. (see rejection above).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 19, 28 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foreman et al. (US 6,469, 711) in view of Danial (US 5,940,806)

As per claim 6, Foreman et al teaches the computerized method of claim 1. However Foreman et al. doesn't teach further comprising: receiving compensation from a client. Danial teaches a method comprising: receiving compensation from a client (col 11, lines 10-30). It would have been obvious to an artisan at the time of the invention to include Danial's teaching with Foreman et al.'s method in order to provide sufficient cost for shopping and other cost relating to the service.

As per claim 19, which is dependent on claim 14, it is of the same scope as claim 6. (see rejection above)

As per claim 28, which is dependent on claim 23, it is of the same scope as claim 6. (see rejection above)

As per claim 41, which is dependent on claim 38, it is of the same scope as claim 6. (see rejection above)

Conclusion

The following patent is cited to further show the state of the art with respect to video editing interface:

Gerlach, jr et al. (US 6,484,189) : methods and apparatus for a multimedia authoring and presentation system

Janse et al. (US 6,340,971) : method and device for keyframe-base video displaying using a video cursor frame in a multikeyframe screen.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (703) 305-7615. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KRISTINE L KINCAID can be reached on (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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Peng Ke
January 15, 2003

Kristine Kincaid
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